

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM T. O'NEILL,

Plaintiff,

vs.

**CAROLYN W. COLVIN, Comm'r of
Soc. Security,**

Defendant.

) **CASE NO. 1:13 CV 867**
)
) **JUDGE DAN AARON POLSTER**
)
) **MEMORANDUM OF OPINION**
) **AND ORDER**
)
)
)
)

Before the Court is the Report and Recommendation of Magistrate Judge George J. Limbert ("R&R") issued and served on counsel for Plaintiff William T. O'Neill via the Court's electronic case filing system on June 9, 2014. (Doc #: 20.)

Plaintiff seeks judicial review of the decision of the Commissioner of Social Security denying his application for Social Security Disability Insurance Benefits ("DIB") with an alleged onset date of June 1, 2010. In an exhaustive 36-page R&R, the Magistrate Judge recommends that the Court affirm the Commissioner's decision and dismiss the complaint in its entirety with prejudice. The Magistrate Judge also informed counsel for Plaintiff that any objections to the R&R must be filed within fourteen days of its service. (Id. at 36.)

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of

the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1) (emphasis added). In this case, 30 days have elapsed since the R&R was issued, and Plaintiff has filed neither an objection nor a request for an extension of time to file one.

The failure to timely file written objections to an R&R constitutes a waiver of a de novo review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Despite the lack of objection, the Court has reviewed the Magistrate Judge's thorough, well-written R&R. The Court agrees with the Magistrate Judge's findings and conclusions, and **ADOPTS** the Magistrate Judge's recommendation that the Commissioner's decision denying DIB be **AFFIRMED** and the complaint **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

/s/ Dan A. Polster July 9, 2014
Dan Aaron Polster
United States District Judge